



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 13, 2013

BY ECF AND ELECTRONIC MAIL

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. Roberto Carlos De Jesus, et al.,
13 Cr. 438 (KPF)**

Dear Judge Failla:

At the October 31, 2013 conference in the above-captioned matter, the Government indicated that it would confer with counsel for all defendants on a proposed trial date. Since that time, the Government has conferred with counsel for all defendants who have not pleaded guilty or had their guilty pleas scheduled. These defendants are Roberto Carlos DeJesus, Manuel Gonzalez, Wilfredo Rivera-Acosta, Yisel Heredia, Becky Reyes, Xiomar Mantilla, Yolanda Lopez, and Estefania Torres.

Perhaps unsurprisingly, it has been difficult to identify a date that is satisfactory to all counsel, but the Government has determined through conversations with all counsel that the time period from February 18, 2014 through February 28, 2014 is one during which where none of the counsel at issue expects to be on trial.¹

It should be noted that Robert Soloway, Esq., counsel for Manuel Gonzalez, and Kafhani Nkrumah, Esq., counsel for Wilfredo Rivera-Acosta, are both scheduled to start lengthy trials on or about March 3, 2014, and so late February is not an ideal time for them. These counsel would prefer a January trial date. However, George Goltzer, counsel for defendant Yisel Heredia, is scheduled to begin a three-week trial on January 6, 2014, and David Touger, counsel for defendant Roberto Carlos De Jesus, has indicated that he expects to be on trial for most of January, into at least early February.

¹ I am scheduled to begin a trial on February 18, 2014 before the Honorable George B. Daniels. However, if necessary, another Assistant U.S. Attorney will handle either that trial or trial in this matter.

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Further, Harvey Fishbein, Esq., who is likely to be appointed as counsel for defendant Xiomar Mantilla today, is expected to begin a lengthy and complicated trial in April 2013 and does not expect to be in a position to try this case until June 2014.

For the foregoing reasons, and understanding that the time period is less than ideal for certain defense counsel, the Government would propose that the trial take place between February 18, 2014 and February 28, 2014. The Government has been involved in plea negotiations with several of the defendants at issue and expects that the trial will involve significantly fewer than eight defendants and therefore last approximately one week.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: All counsel (by ECF)